

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION**

GERTRUDE ANITA BROADWAY,)

)

Plaintiff,)

)

v.)

)

FEDERAL EXPRESS,)

)

Defendant.)

**CIVIL ACTION NO.
2:10-cv-02898-JPM-tmp**

**DEFENDANT’S MOTION FOR CLARIFICATION OR, IN THE ALTERNATIVE,
FOR REINSTATEMENT**

Defendant, Federal Express Corporation hereby seeks clarification of the minute order entered yesterday, September 27, 2012 (Docket No. 77). The order states that Defendant’s Motion for Summary Judgment has been administratively terminated and closed without prejudice. Defendant is unaware of any basis or authority under the Federal Rules of Civil Procedure for the Court to, *sua sponte*, “terminate” or “close” a properly pending summary judgment motion. The motion is ripe for decision and should be decided by the Court at the earliest opportunity. The motion has been pending since December of 2011. If there is something that the Court needs for the parties to do before the Court makes its decision, Defendant would request to be advised as to what such action is required.

In the alternative, Defendant respectfully requests that Defendant's Summary Judgment Motion be reinstated and reopened as provided in the Court's order.

Respectfully submitted,

/s/johnwcampbell

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Dated: September 28, 2012

CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of September, 2012, a true and correct copy of the foregoing was filed and served electronically with the Clerk of Court using the CM/ECF system which will send notice of the electronic filing to the following:

John W. Walker, P.A.
1723 Broadway
Little Rock, AR 72206

/s/johnwcampbell